

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : August 20, 2003
Masaki Obinata et al. : Group Art Unit: Unknown
Serial No.: 10/066,128 : Examiner: Unknown
Filed: January 31, 2002 : San Jose, California

Title: VARIABLE SPEED DISK DRIVE AND METHOD OF CONTROLLING THE
DISK DRIVE FROM RECORDED DRIVE-SPEED FORMAT INFORMATION

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

Under the provisions of 37 CFR § 1.97 through §1.99 and pursuant to Applicants' duty of disclosure under 37 CFR §1.56, Applicants respectfully bring the following document(s) listed on the attached form PTO-1449 to the attention of the Examiner in charge of the above-identified application. Copies of the listed document(s) are provided herewith.

This Information Disclosure Statement is being submitted before receiving a first Office Action on the merits for the above-identified patent application. In addition, each of the documents listed on this Information Disclosure Statement was cited by the Japanese Patent Office not more than 3 months prior to the filing of this Information Disclosure Statement. (Accordingly, no fee is due.)

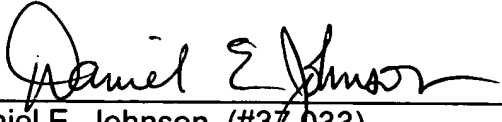
This submission does not constitute an admission that the cited reference(s) are relevant or material to the claims. The reference(s) are only cited as constituting related art of which Applicants are aware.

It is respectfully requested that the listed references be considered by the Examiner and formally made of record in this application.

The Director is hereby authorized to charge payment of any deficiency in the above fee(s) or to charge any additional fees required under 37 CFR § 1.16 or 1.17 or credit any overpayment to Deposit Account No. 09-0441. A duplicate copy of this authorization is attached for the Finance Branch.

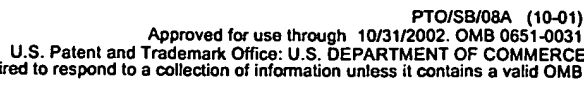
Respectfully submitted,

Masaki Obinata et al.

By 
Daniel E. Johnson (#37,033)
Agent for Applicants
Phone (408) 927-3367

DEJ:cgr

Attachments



Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet 1 of 3

Compleat if Known

| | |
|-------------------------------|------------------|
| Application Number | 10/066,128 |
| Filing Date | January 31, 2002 |
| First Named Inventor | Masaki Obinata |
| Art Unit | To be Assigned |
| Examiner Name | To be Assigned |
| Attorney Docket Number | JP9-2000-0468 |

U.S. PATENT DOCUMENTS

Technology Center 2600

FOREIGN PATENT DOCUMENTS

| Examiner Initials ² | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Type of Document |
|--------------------------------|-----------------------|---|--------------------------------|--|---|------------------|
| | | Country Code ³ - Number ⁴ - Kind Code ⁵ (if known) | | | | |
| | | 07-210975 | 11-Aug-1995 | IBM | | |
| | | 08-321043 | 03-Dec-1996 | IBM | | |
| | | 2000-339821 | 08-Dec-2000 | IBM | | |
| | | 10-134500 | 22-May-1998 | Ricoh Co LTD | | |
| | | 03-273424 | 04-Dec-1991 | Canon Inc. | | |
| | | 03-273425 | 04-Dec-1991 | Canon Inc. | | |
| | | 05-225683 | 03-Sep-1993 | Sony Corp. | | |
| | | 07-121974 | 12-May-1995 | Mitsubishi Electric Corp. | | |
| | | 07-176137 | 14-Jul-1995 | Hudson Soft Co. LTD. | | |
| | | 07-220448 | 18-Aug-1995 | Brother Ind. LTD. | | |

Examiner
Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | | | |
|---|---|----|---|------------------------|------------------|
| Substitute for form 1449B/PTO | | | | Comple if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | | | Application Number | 10/066,128 |
| | | | | Filing Date | January 31, 2002 |
| | | | | First Named Inventor | Masaki Obinata |
| | | | | Group Art Unit | To be Assigned |
| | | | | Examiner Name | To be Assigned |
| | | | | Attorney Docket Number | JP9-2000-0468 |
| Sheet | 3 | of | 3 | | |

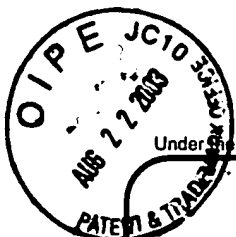
[illegible]

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | |
|------------------------|----------------|
| Application Number | 10/066,128 |
| Filing Date | 01/31/2002 |
| First Named Inventor | Masaki Obinata |
| Group Art Unit | To be Assigned |
| Examiner Name | To be Assigned |
| Attorney Docket Number | JP9-2000-0468 |

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Daniel E. Johnson

Signature

Daniel E. Johnson

Date

08/20/2003

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: the Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450 on this date:

08/20/2003

Typed or printed name

Cheryl G. Ruby

Signature

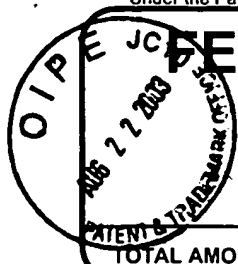
Cheryl G. Ruby

Date

08/20/2003

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FEE TRANSMITTAL **for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)

Complete if Known

Application Number 10/066,128

Filing Date 01/31/2002

First Named Inventor Masaki Obinata

Examiner Name To be Assigned

Group Art Unit To be Assigned

Attorney Docket No. JP9-2000-0468

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METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 09-0441

Deposit Account Name IBM CORPORATION

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$) Code (\$)

101 740 201 370 Utility filing fee

106 330 206 165 Design filing fee

107 510 207 255 Plant filing fee

108 740 208 370 Reissue filing fee

114 160 214 80 Provisional filing fee

Fee Paid

SUBTOTAL (1) (\$)

0.00

2. EXTRA CLAIM FEES

Extra Claims Fee from below Fee Paid

Total Claims -20** = X 18.00 = 0.00

Independent Claims -3** = X 84.00 = 0.00

Multiple Dependent =

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$) Code (\$)

103 18 203 9 Claims in excess of 20

102 84 202 42 Independent claims in excess of 3

104 280 204 140 Multiple dependent claim, if not paid

109 84 209 42 ** Reissue independent claims over original patent

110 18 210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code | Fee Code | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

0.00

SUBMITTED BY

Name (Print/Type)

Daniel E. Johnson

Registration No. (Attorney/Agent)

37,033

Complete (if applicable)

Telephone

408-927-3367

Signature

Daniel E. Johnson

Date

08/20/2003

WARNING: Information on this form may become public. Credit card information should not

b included on this form. Provide credit card information and authorization on PTO-2038.

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